

EX PARTE OR LATE FILED

SENATE OF VIRGINIA

RECEIVED & INSPECTED

FEB 04 2004

FCC - MAILROOM

HENNETT W. STOLLE
CLERK OF THE SENATE
1000 COMMONWEALTH BUILDING
RICHMOND, VIRGINIA 23219
TEL: (804) 771-2100
FAX: (804) 771-2101
WWW.VIRGINIALEGISLATURE.GOV



ORIGINAL

COMMITTEE ASSIGNMENTS
COURTS OF JUSTICE CHAIR
COMMERCE AND LABOR
FINANCE
PRIVILEGES AND IMMUNITIES
RULES

January 28, 2004

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Support for the Consensus Plan for 800 MHz Realignment
Ex Parte, WT Docket No. 02-55

Dear Mrs. Dortch:

Virginia Beach, Virginia operates an 800 MHz trunked radio system providing critical public safety communications for police, fire and emergency personnel. We are extremely interested in this proceeding for public safety and request that our views be considered.

First responders in Virginia and across the nation are increasingly at risk because their public safety radio communications are vulnerable to interference from cellular phones. As cellular usage increases, the risk of garbled or blocked police, fire and other public safety communications increases. First responders also urgently need more 800 MHz spectrum to have 'interoperable' communications among police and firefighters and among neighboring jurisdictions. Fortunately, a solution is available.

The Federal Communications Commission has before it a "Consensus Plan" that would address cellular/public safety radio interference problems and provide more of the spectrum that first responders urgently need for radio communications. We support the Consensus Plan along with:

Association of Public-Safety Communications Officials-International, Inc.
International Association of Fire Chiefs, Inc.
International Municipal Signal Association
International Association of Chiefs of Police
Major Cities Chiefs' Association
Major County Sheriffs' Association
National Sheriffs' Association

100-27-000000
1st ABC DE

0

We urge the FCC to expeditiously adopt the Consensus Plan in its public safety spectrum rulemaking, WT Docket No 02-55

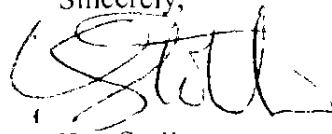
The Consensus Plan offers the only real, near-term solution to existing public safety radio problems. It provides a comprehensive solution that addresses interference to public safety systems, allocates additional spectrum for public safety needs, provides private funding to compensate licensees that may need to relocate to new channels as the result of the Plan, and ensures that all affected licensees receive equivalent replacement spectrum as part of the spectrum swaps called for by the Consensus Plan.

Other proposals that have been made to the FCC fall far short and must be rejected. The UTC/cellular 'plan' ignores the problems faced by public safety communicators and suggests that case-by-case, after-the-fact solutions could be found once interference manifests itself. Responding only after-the-fact to the problems affecting time-critical public safety services is not acceptable, since a single interference can jeopardize the lives of emergency personnel and the citizens they serve.

Section 1 of the Communications Act of 1934, provides that the FCC is to "promot[e] safety of life and property through the use of wire and radio communication". The Consensus Plan would greatly advance this vital objective. It has been over sixteen months since the FCC began its public safety spectrum proceeding and over one year since the Consensus Plan was submitted. Supporters of the Consensus Plan have recently addressed the remaining implementation details associated with the Plan. There is no reason for the FCC to postpone action any further.

We urge the FCC to resolve the issues facing the public safety community expeditiously and adopt in full the terms of the Consensus Plan.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stolle', with a stylized flourish at the end.

Ken Stolle